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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,706	09/12/2003	Stephen L. Ricker	011357.52664US	7679

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EXAMINER

SAETHER, FLEMMING

ART UNIT PAPER NUMBER

3677

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,706

Applicant(s)

RICKER, STEPHEN L.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 26 is objected to because of the following informalities: in paragraph in paragraph (E) there is no antecedent basis for "said adapter sleeve"; (G) "a nut body" and "a hydraulic nut" is a double inclusion. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kellström (US 5,779,419). Kellström discloses a hydraulic nut (8) and method including a device for determining displacement comprising an internally threaded nut body (9) having an annular chamber (10) and a fluid passageway (at 13); a piston (11) disposed and axially displaceable in said chamber including a radially extending protrusion (18) and an inwardly directed flange (not labeled) and; a displacement bar (19) removable mounted on the protrusion and extending "across the periphery of the nut body" (it should be noted that "across the periphery" [italic added] does not require it to be outside the periphery). The displacement bar having a length L

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which meets the limitation of being equal to the thickness of the nut T plus a "predetermined distance for axial movement to said piston" a because no value is given to the "predetermined distance" and therefore as related to the prior art the "predetermined distance" a is selected to be whatever value gives the required length L.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-20 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellström in view of Shappard (US 4,411,549). Kellström discloses a hydraulic nut having features as discussed above and further teaches the method wherein the hydraulic nut is used to move a hollow article associated with different embodiments of a bearing assembly (Figs. 3-6) on a tapered shaft by applying pressure to the piston axially. Kellström does not however teach the axially displaceable member moved to be flush with an exposed face of the nut body. Sheppard discloses method of determining displacement comprising a displacement bar (36) which is moved a predetermined distance to a second position (Fig. 3) where it is flush (column 5, line 44-45) with an exposed surface of a fastener (at 26). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the gauge measured displaceable member as disclosed in Kellström with a simple rod as

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disclosed in Shappard. The rod is simplified as compared the gauge currently employed in Kellström and therefore would be advantageous since it would be more economical by being less costly to produce and also would be easy to visually inspect for proper relative orientation.

Claims 4-6, 11-13 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kellström or Kellström as modified Shappard as applied to claims 1, 8 and 15 above, and further in view of Reeves (US 5,660,417). Kellström does not disclose a separate protrusion extends from a flange. Reeves discloses a tension indicator wherein a displacement bar (9) is mounted to a protrusion (at 11) which extends radially outwardly from a flange (20). The embodiment shown in Fig. 5 includes a pair of lugs. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the device of Kellström with a separate protrusion for the displacement bar as disclosed in Reeves in order make the device more versatile by providing for different displacement bar configuration not requiring the specialized gauge currently employed by Kellström. Reeves discloses the member (9) may be mounted to the member (8) in any number of ways (column 6, the paragraph beginning line 14) but, is not specific as to a locking pin inserted through aligned bores. However, a locking pin being inserted through aligned bores is a well known mounting means and as such the skilled artisan would have recognized to employ such a mounting means in Reeves since it would be optimal in the lug configuration shown in Fig. 5.

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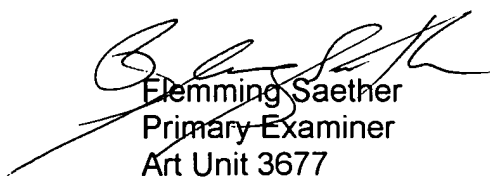
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether
Primary Examiner
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